

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

DIPLOMATIC MAN, INC.,

THIRD PARTY SUMMONS IN A
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

NIKE, INC.,

Case Number: 08 Civ 0139 (GEL)

V. THIRD PARTY DEFENDANT

LaRON JAMES a/k/a JUELZ SANTANA and
SANTANA'S WORLD,

To: Name and address of Third Party Defendant

LaRON JAMES
(a/k/a Juelz Santana)
11 Millay Court
Teaneck, NJ, 07666

LaRON JAMES (a/k/a Juelz Santana)
c/o JERMAINE JAMES (a/k/a Twin)
4201 Ln., Apt 4201
Ft. Lee, NJ 07024

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

James P. Cinque, Esq.
CINQUE & CINQUE, P.C.
845 Third Avenue, Suite 1400
New York, New York 10022

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Marshall Beil
McGUIREWOODS, LLP
1345 Avenue of the Americas (7th Floor)
New York, New York 10105
T: 212/548-2100

an answer to the third-party complaint which is served on you with this summons, within twenty days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

3/6/2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DIPLOMATIC MAN, INC.,
Plaintiff(s),

Index No. 08 CIV. 0139 (GEL)

-v-

AFFIDAVIT OF SERVICE

NIKE, INC.,
Defendant and Third Party Plaintiff

-v-
LaRON JAMES a/k/a JUELZ SANTANA and
SANTANA'S WORLD,
Third Party Defendant.

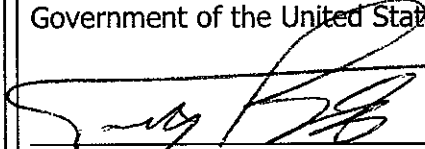
-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 13th day of March 2008, at approximately the time of 3:45 p.m., deponent served a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana at 11 Millay Court, Apt. 6, Teaneck, NJ 07666, by personally delivering and leaving the same with Craig Douglas, the guard. I explained to the guard that I am a process server and had legal papers to serve upon Mr. James. The guard called up to the apartment and spoke to Mr. James's wife. She told him to accept papers. At the time of service, deponent asked if LaRon James is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Craig Douglas is a black male, approximately 34 years of age, stands approximately 6 feet 0 inches tall and weighs approximately 210 pounds with curly black hair and dark eyes. He has thin beard and was wearing glasses.

That on the 14th day of March 2008, deponent served another copy of the foregoing upon LaRon James a/k/a Juelz Santana at 11 Millay Court, Apt. 6, Teaneck, NJ 07666, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.


TIMOTHY M. BOTTI #843358

Sworn to before me this
25th day of March, 2008


NOTARY PUBLIC

JONATHAN T. RIPPS
Notary Public, State of New York
NO. 01R16109718
Qualified in Rockland County
Certificate Filed in New York County
Commission Expires May 17, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DIPLOMATIC MAN, INC.,
Plaintiff(s),

Index No. 08 CIV. 0139 (GEL)

-v-

AFFIDAVIT OF
ATTEMPTED SERVICE

NIKE, INC.,
Defendant and Third Party Plaintiff

-v-
LaRON JAMES a/k/a JUELZ SANTANA and
SANTANA'S WORLD,
Third Party Defendant.

-----X
STATE OF NEW YORK)
S.S.:
COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, Inc., and is not a party to this action.

That on the 8th day of March 2008, at approximately 8:10 a.m., deponent attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana at 11 Milly Court, Apt. 6, Teaneck, NJ 07666. The guard at the gate called up to apartment, but no answer was received.

That on the 10th day of March 2008, at approximately 8:55 p.m., deponent again attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana at 11 Milly Court, Apt. 6, Teaneck, NJ 07666; again no answer was received when the guard called up to apartment.

That on the 11th day of March 2008, at approximately 6:00 p.m., deponent again attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION,**

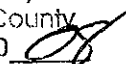
**ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY
TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY**

TRIAL DEMANDED upon LaRon James a/k/a Juelz Santana at 11 Milly Court, Apt. 6, Teaneck, NJ 07666. The guard called up to the apartment and spoke to Mr. James's wife via the house phone, who that Mr. James was not at home and was out for the evening.


TIMOTHY M. BOTTI #843358

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIPLOMATIC MAN, INC.,
Plaintiff(s),

Index No. 08 CIV. 0139 (GEL)

-v-

AFFIDAVIT OF SERVICE

NIKE, INC.,
Defendant and Third Party Plaintiff

-v-
LaRON JAMES a/k/a JUELZ SANTANA and
SANTANA'S WORLD,
Third Party Defendant.

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 13th day of March 2008, at approximately the time of 3:25 p.m., deponent served a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana c/o Jermaine James (a/k/a Twins) at 4201 Crest Lane, Apt. 4201, Fort Lee, NJ 07024, by personally delivering and leaving the same with Amy Weissman, Leasing Office guard at the gate said any deliveries must be left at the office. I explained to the guard that I am a process server and had legal papers to be served upon Mr. James. She took the papers and said she would leave message for tenant at that address telling him there were papers for him at the gate. At the time of service, deponent asked if LaRon James is in active military service for the United States of America or for the State in any capacity whatever or dependent upon a person in active military service and received a negative reply.

Amy Weissman is a white female, approximately 38 years of age, stands approximately 5 feet 7 inches tall and weighs approximately 135 pounds with shoulder length black hair and dark eyes.

That on the 14th day of March 2008, deponent served another copy of the foregoing upon LaRon James a/k/a Juelz Santana c/o Jermaine James (a/k/a Twins) at 4201 Crest Lane, Apt. 4201, Fort Lee, NJ 07024, by first class mail, by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL AND CONFIDENTIAL" written on the same envelope, and not indicating on the outside that it is from an attorney or concerns an action against the person to be served, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York.




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ATTEMPTED SERVICE

NIKE, INC.,
Defendant and Third Party Plaintiff

-v-

LaRON JAMES a/k/a JUELZ SANTANA and
SANTANA'S WORLD,
Third Party Defendant.

-----X
STATE OF NEW YORK)
S.S.
COUNTY OF NEW YORK)

TIMOTHY M. BOTTI, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 8th day of March 2008, at approximately the time of 8:40 a.m., deponent attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana c/o Jermaine James (a/k/a Twins) at 4201 Crest Lane, Apt. 4201, Fort Lee, NJ 07024. The guard at the gate called up to the apartment, but no answer was received. The guard confirmed the address to be "Jermaine's." He let me into the building and called the apartment again but still no answer.

That on the 10th day of March 2008, at approximately the time of 8:25 p.m., deponent again attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana c/o Jermaine

James (a/k/a Twins) at 4201 Crest Lane, Apt. 4201, Fort Lee, NJ 07024, again the guard called up to the apartment, but no answer was received.

That on the 11th day of March 2008, at approximately the time of 6:30 p.m., deponent again attempted to serve a true copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER TO COMPLAINT, COUNTERCLAIMS, AND THIRD PARTY COMPLAINT JURY TRIAL DEMANDED, DEFENDANT'S RULE 7.1 STATEMENT AND COMPLAINT JURY TRIAL DEMANDED** upon LaRon James a/k/a Juelz Santana c/o Jermaine James (a/k/a Twins) at 4201 Crest Lane, Apt. 4201, Fort Lee, NJ 07024. Deponent gained access into the building rang the bell and knocked on the door, but no answer was received.


TIMOTHY M. BOTTI #843358

Sworn to before me this
25th day of March, 2008


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